

CITY COUNCIL MINUTES

April 27, 2015

The Honorable Council of the City of Evansville met on regular session at 5:30 p.m. on Monday, April 27, 2015 in the City Council Chambers, Room 301 Civic Center Complex, Evansville, Indiana, with President H. Dan Adams presiding. The following business was conducted.

These minutes are not intended to be a verbatim transcript. Audiotapes of this meeting are on file in the City Clerk's Office.

President Adams: The Honorable Council of the City Of Evansville is hereby called to order. Madam Clerk, please call the roll.

ROLL CALL:

Present: McGinn, Mosby, Brinkerhoff-Riley, Robinson, Friend, Lindsey, O'Daniel, Weaver, Adams

President Adams: There being nine (9) members present and zero (0) members absent; the nine members representing a quorum, I hereby declare this session of this eighth session of the Common Council for this year officially opened.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance this evening will be done by Councilman Friend.

Fellow Councilmen, and those in the audience, welcome to the April 27, 2015 meeting of the Common Council.

TEEN ADVISORY COMMITTEE/RECOGNITION OF SCHOOLS

Are any of those in the crowd from schools that would need recognition, would you stand please? Those who are in high school who...see some young faces. No? I guess not. Well if you need something signed at the end, because you won't stand up, we won't sign it. No, I'm just kidding. We'll sign it at the end if you need it.

COUNCIL ATTORNEY

Our Council Attorney is the esteemed Scott Danks.

SERGEANT AT ARMS

Our Sergeant is Lieutenant Kirby. Thank you for joining us.

APPROVAL OF MINUTES

Is there a motion to approve the minutes of the April 13, 2015 meeting of the Common Council?

Councilwoman Robinson: So moved.

Councilwoman Mosby: Second.

President Adams: Having a motion and a second, all those in favor?

REPORTS AND COMMUNICATIONS

IN YOUR APRIL 24th PACKET:

- * City Council Meeting Agenda and Committee Meeting Schedule for April 27, 2015
- * Ordinances G-2015-13, G-2015-14, G-2015-15, G-2015-16, F-2015-5, F-2015-6, F-2015-6 Amended, and R-2015-13
- * Resolution C-2015-8
- * Area Plan Commission Report and Meeting Minutes dated April 9, 2015
- * Evansville Redevelopment Commission Meeting Minutes for March 31 and April 7, 2015
- * Weights and Measures Monthly Report from March - April 2015
- * Legal Aid Society March 2015 Report

EMAILED MATERIAL:

- * City Council Meeting Minutes for April 13, 2015

ON YOUR DESK THIS EVENING:

- * Extended Agenda for April 27, 2015

President Adams: Is there a motion to receive, file and make those reports and communications part of the minutes of the meeting?

Councilman O'Daniel: So moved.

Councilwoman Mosby: Second.

President Adams: Thank you. I have a motion and a second. All those in favor? So moved.

First Reading.

CONSENT AGENDA

FIRST READING OF ORDINANCES AND RESOLUTIONS

<u>ORDINANCE G-2015-14</u>	<u>FINANCE</u>	<u>O'DANIEL</u>
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An Ordinance Authorizing and Segregating Certain Accounts of the City of Evansville, Indiana

<u>ORDINANCE G-2015-15</u>	<u>A.S.D.</u>	<u>COUNCIL AS A WHOLE</u>
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An Ordinance Amending the Police Department Merit System in Section 2.175.100 of the Evansville Municipal Code

<u>ORDINANCE G-2015-16</u>	<u>A.S.D.</u>	<u>COUNCIL AS A WHOLE</u>
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An Ordinance Amending the Fire Department Merit System in Section 2.170.070 of the Evansville Municipal Code

ORDINANCE F-2015-5**FINANCE****O'DANIEL**

An Ordinance of the Common Council of the City of Evansville Authorizing Transfers of Appropriations, Additional Appropriations and Repeal and Re-Appropriations of Funds for Various City Funds

ORDINANCE F-2015-6 AMENDED**FINANCE****O'DANIEL**

An Ordinance of the Common Council of the City of Evansville Authorizing Repeals, Re-Appropriations and Additional Appropriations of Funds within Various Departments (DMD)

RESOLUTION C-2015-8**FINANCE****O'DANIEL**

A Special Resolution Approving and Authorizing Certain Actions and Proceedings with Respect to Certain Proposed Economic Development Bonds

President Adams: Is there a motion a motion to accept the amendment for Ordinance F-2015-6 Amended?

Councilman Lindsey: So moved.

Councilman Friend: Second.

President Adams: There's been a motion made and a second. All those in favor? Opposed? So ordered.

Is there a motion to adopt the consent agenda as written?

Councilwoman Robinson: So moved.

Councilwoman Brinkerhoff-Riley: Second.

President Adams: Thank you. Had a motion and a second. All those in favor?

Second Reading.

CONSENT AGENDA**SECOND READING OF ORDINANCES AND RESOLUTIONS****ORDINANCE G-2015-8****PUBLIC WORKS****LINDSEY**

An Ordinance to Vacate Two 12' Alleys 1) Lying between Lots 21 thru 24 and Lot 25 of Block 103 of the Corrected Plat of Part of Lamasco, Recorded in Plat Book A, Pages 156 and 157 and Re-transcribed in Plat Book E, Pages 34 and 35 & 2) Lying between Lots 15, 16, 21, 25 and Part of Lot 26 in Block 103 of the Corrected Plat of Part of Lamasco, Recorded in Plat Book A, Pages 156 and 157 and Re-transcribed in Plat Book E, Pages 34 and 35 and Lot 5 in William Heilman's Subdivision of Lots 17, 18, 19 and 20 in Block 103 of the City of Lamasco Recorded in Plat Book C, Page 312 within the City of Evansville

President Adams: There's a motion and a second. All those in favor? Opposed? So ordered.

REGULAR AGENDA

THIRD READING OF ORDINANCES AND RESOLUTIONS

ORDINANCE G-2015-8

PUBLIC WORKS

LINDSEY

An Ordinance to Vacate Two 12' Alleys 1) Lying between Lots 21 thru 24 and Lot 25 of Block 103 of the Corrected Plat of Part of Lamasco, Recorded in Plat Book A, Pages 156 and 157 and Re-transcribed in Plat Book E, Pages 34 and 35 & 2) Lying between Lots 15, 16, 21, 25 and Part of Lot 26 in Block 103 of the Corrected Plat of Part of Lamasco, Recorded in Plat Book A, Pages 156 and 157 and Re-transcribed in Plat Book E, Pages 34 and 35 and Lot 5 in William Heilman's Subdivision of Lots 17, 18, 19 and 20 in Block 103 of the City of Lamasco Recorded in Plat Book C, Page 312 within the City of Evansville

President Adams: That was a mouthful, wasn't it?

City Clerk Windhorst: It was.

President Adams: Is there a motion to adopt Ordinance G-2015-8

Councilwoman Mosby: So moved.

Councilman Weaver: Second.

President Adams: I have a motion and a second. Please call the roll.

ROLL CALL

Ayes: McGinn, Mosby, Brinkerhoff-Riley, Robinson, Friend, Lindsey, O'Daniel, Weaver, Adams

President Adams: There are nine (9) ayes, zero (0) nays, Ordinance G-2015-8 is hereby adopted.

REGULAR AGENDA

THIRD READING OF ORDINANCES AND RESOLUTIONS

ORDINANCE G-2015-10

PUBLIC WORKS

LINDSEY

An Ordinance to Vacate Certain Public Ways or Public Places within the City of Evansville, Indiana, Commonly Known as a Portion of Water Road between Lot Eighteen (18) and Lot Twelve (12) in Embree's Subdivision

President Adams: Is there a motion to adopt G-2015-10?

Councilwoman Robinson: So moved.

Councilwoman Brinkerhoff-Riley: Second.

President Adams: We have a motion and a second. Please call the roll.

ROLL CALL

Ayes: McGinn, Mosby, Brinkerhoff-Riley, Robinson, Friend, Lindsey, O'Daniel, Weaver, Adams

President Adams: There are nine (9) ayes, zero (0) nays, Ordinance G-2015-10 is hereby declared adopted.

REGULAR AGENDA

THIRD READING OF ORDINANCES AND RESOLUTIONS

ORDINANCE G-2015-11

PUBLIC WORKS

ADAMS

An Ordinance Amending Chapter 15.15 of the Code of Ordinances (Fencing and Retaining Walls in Drainage Easements)

President Adams: Is there a motion to adopt G-2015-11?

Councilman O'Daniel: So moved.

Councilwoman Mosby: Second.

President Adams: We have a motion and second. Roll call please.

ROLL CALL

Ayes: McGinn, Mosby, Brinkerhoff-Riley, Robinson, Friend, Lindsey, O'Daniel, Weaver, Adams

President Adams: There are nine (9) ayes, zero (0) nays, Ordinance G-2015-11 is hereby declared adopted.

REGULAR AGENDA

THIRD READING OF ORDINANCES AND RESOLUTIONS

ORDINANCE G-2015-12

A.S.D.

BRINKERHOFF-RILEY

An Ordinance Amending Chapter 6.05.040 of the Evansville Municipal Code (Live Chicken Sales)

President Adams: Is there a motion to adopt Ordinance G-2015-12?

Councilwoman Brinkerhoff-Riley: So moved.

Councilwoman Robinson: Second.

President Adams: There's been a motion and a second. Roll call please.

ROLL CALL

Ayes: McGinn, Mosby, Brinkerhoff-Riley, Robinson, Friend, Lindsey, O'Daniel, Weaver, Adams

President Adams: There being nine (9) ayes, zero (0) nays, Ordinance G-2015-12 is hereby declared adopted.

REGULAR AGENDA

THIRD READING OF ORDINANCES AND RESOLUTIONS

RESOLUTION C-2015-4

FINANCE

O'DANIEL

A Resolution of the Common Council of the City of Evansville, Indiana, Approving the Issuance of Refunding Bonds, and Other Matters in Connection Therewith

President Adams: Is there a motion to adopt Resolution C-2015-4?

Councilman Lindsey: So moved.

Councilman O'Daniel: Second.

President Adams: We have a motion and a second. Roll call please.

ROLL CALL

Ayes: McGinn, Mosby, Brinkerhoff-Riley, Robinson, Friend, Lindsey, O'Daniel, Weaver, Adams

President Adams: There are nine (9) ayes, zero (0) nays, Resolution C-2015-4 is hereby adopted.

REGULAR AGENDA

THIRD READING OF ORDINANCES AND RESOLUTIONS

RESOLUTION C-2015-5

PUBLIC WORKS

COUNCIL AS AWHOLE

A Resolution Renaming a Certain Section of a Street/Roadway "Bob Griesse Pass"

President Adams: Is there a motion to adopt Resolution C-2015-5?

Councilman Weaver: So moved.

Councilwoman Mosby: Second.

President Adams: I have a motion and a second. A roll call vote please.

ROLL CALL

Ayes: McGinn, Mosby, Brinkerhoff-Riley, Robinson, Friend, Lindsey, O'Daniel, Weaver, Adams

President Adams: There being nine (9) ayes, zero (0) nays, Resolution C-2015-5 is hereby declared adopted.

REGULAR AGENDA

RESOLUTION C-2015-7 AMENDED PUBLIC WORKS COUNCIL AS A WHOLE

A Resolution Renaming a Certain Section of a Street "Dr. W. R. Brown Sr. Way"

President Adams: Is there a motion to adopt Resolution C-2015-7 Amended?

Councilwoman Robinson: So moved.

Councilman Weaver: Second.

President Adams: Is there a second?

City Clerk Windhorst: Yes.

Councilman Weaver: Second.

President Adams: I apologize. Thank you. There being a motion and a second, please call the roll.

ROLL CALL

Ayes: McGinn, Mosby, Brinkerhoff-Riley, Robinson, Friend, Lindsey, O'Daniel, Weaver, Adams

President Adams: There being nine (9) ayes and zero (0) nays, Resolution C-2015-7 Amended is hereby declared adopted.

MISCELLANEOUS BUSINESS

There will not be a meeting on Monday, May 4, 2015. The next meeting of the Common Council will be Monday, May 11, 2015 at 5:30 p. m. Committee meetings, at this juncture, will begin at 5:00 p.m.

Boards & Commission Appointments:

EVANSVILLE URBAN ENTERPRISE ASSOCIATION BOARD

President Adams: We've had a little more time now to review the appointee applicant Matt Merkel to the Evansville Urban Enterprise Association Board. Is there any discussion from members of Council for this applicant?

Okay, I will entertain a motion to accept this appointment to the Urban Enterprise Association Board.

Councilman Friend: So moved.

Councilman O'Daniel: Second.

President Adams: There's a motion and a second. All those in favor? Opposed? So moved.

1) Appointee: Matt Merkel (Represents a Zone Business) Fill the Balance 04/27/2015 - 12/31/2015

President Adams: We had a young lady come and talk to us at our last meeting about the fact that she had not been notified that her rental I guess...or no, the house that she was renovating, excuse me, was unfortunately destroyed by fire and at our last meeting it was suggested by our esteemed Council that we invite Fire Chief Mike Connelly to come talk to us about the situation, what the history is, and perhaps if there's a...we can ameliorate this situation, perhaps we can.

Fire Chief Connelly: Thank you sir. Fire Chief Mike Connelly. My understanding is there was fire at 1115 N. Third Avenue on April 4, 2015 at approximately 2:00 a.m. Sustained heavy fire damage; crews on scene were trying to determine the number, the address, of the actual building and they did call dispatch and they got information from dispatch when they looked on the Assessor's website for the actual plot and the number assigned to that address.

The arson investigator had begun his investigation. Preliminarily, it came back that occurred on a Saturday morning; was on duty Friday. The fire occurred on Saturday morning; he was back on duty on Sunday, returned to property and ran into the occupant and the property owner at that time. We don't have a formal procedure for notification of property owners. The closest thing that we could come to that is relaying the address information to dispatch and having them look up the information but then it becomes a matter of the actual address of the property owner or the occupant being included so that it would good information for dispatch to make the contact to the property owner or the occupant.

At this time, we...the Fire Department, we don't do that. The arson investigator would eventually get to that point but I don't think it's in as timely a manner as Ms. Bullock was asking for. So no, we don't have a notification process. There may be a way for us to connect the dots; we don't have it right now.

Any questions?

President Adams: Any comments?

Councilwoman Brinkerhoff-Riley: I do...go ahead.

Councilman O'Daniel: Do you think it would be a...I mean just because of this and, you know, things happen. I get it. Do you think it might be a good time to at least look into that about having a policy?

Fire Chief Connelly: Yes, but it would involve other agencies besides us. It'd be dispatch, possibly the Police Department, Sheriff's Department, depending on who...what law enforcement agency would respond with the run if we are there for an extended period of time.

Councilman O'Daniel: Yeah.

Fire Chief Connelly: Arson investigators start at the police report. The Police Department actually follows up with the contact information.

Councilman O'Daniel: Well I'm just talking about if there's a fire run itself. For...eliminate the criminal aspect of it but, I mean, a garage in the back burns and nobody's notified. Is there a mechanism, and I understand you may take other agencies to get involved with, but at least to begin the process of saying, "Hey look, let's work together and try to notify the owner of this property or the occupant of this property that there's been damage to that", whether they've been out of town or otherwise. And sometimes it's difficult but without any policy in place we won't have any movement.

Fire Chief Connelly: Correct. We had, years ago, I guess back in 2000, if we responded to a residence and had to make entry and there was nobody home and dispatch with enhanced 911 called the home before we broke in to notify them, you know, "Come to door and open the door". We had stickers that would have information for the occupant to call Central Dispatch and get the information then but still it's not notification. It's...they come back from vacation and they see this yellow sticker on their door and then they call 911 to find out where, what happened, and why. So, again, we don't have a system but that may be one way to connect the dots.

Councilwoman Brinkerhoff-Riley: I think the Rental Registry should...I mean we spent a lot of time capturing phone numbers and emergency contact information for the owners of rental property and I understand that that would not have been effective in this case but it would get you more than half-way through the residents of Evansville, given the percentage that rent and so that may be one option. Do you...and, you know, that is still going on-line in the new software but potentially, I mean your office needs to make sure that you've got a password and user name to that system because it's the same deal, you know, if it's a rental property; nobody's home, you can plug that in and that won't give you the tenant but it will immediately queue up the name and phone number of either the rental agent that's managing the property like a Monte Fetter, or the actual owner and I think that would, again, wouldn't have helped in this situation because it's a garage that she was buying on contract as opposed to a house and so it's not a perfect...but I think the Rental Registry will get you more than half-way there.

Fire Chief Connelly: One of the situations that did occur back when Roger Griffin was the arson investigator and he tried to follow up and make contact with the property owners. This property owner moved to California and sold it to a property owner who lives in New York and they ended up spinning their wheels and going on a wild goose chase to try and tract down property owners.

Councilwoman Brinkerhoff-Riley: But we're on an annual...

Fire Chief Connelly: I like the idea of the Rental Registry.

Councilwoman Brinkerhoff-Riley: Yeah, and they're on an annual renewal that they've got to give a phone number, and there are...there will be people that don't comply and it'll only be through these kind of situations that we frankly identify 'em. You know Ron Beane, you have an issue, I mean here and there as we facilitate the Rental Registry, property owners are going to pop up that aren't in the system, and frankly, that's how we'll find 'em. But it...it...I just thought, you know, it will help with some of that because of...even housing that, you know, Phase II, I mean down the road, we'll have a Blighted and Abandoned Housing Registry, which may get you a distance further in terms of where something is caught on fire that, you know, isn't occupied at all but it is a residence.

President Adams: Ms. Bullock, would you like to make a comment please?

Angela Bullock: Yes, actually I was involved in 1984 in writing the dispatch policies and procedures whenever Warrick County went under the formation of Central Dispatch system. That was prior to us having any assessor's website to make it nice and simple and quick and we relied on the old bound books that the Assessor's office would publish and even in 1984 we were able to access that and then it was a multi-service approach. The Fire Department would call in, request dispatch look it up; we'd look it up and we'd send either a city officer or a county officer for notification.

And I've done a little bit of research and like Indianapolis, Warrick County, Spencer County; they all do a notification.

President Adams: Through the Assessor's Office.

Angela Bullock: Through...well, they look it up through the websites.

President Adams: And would that be available on a weekend?

Angela Bullock: It's available to the public any...I can access it on my cellphone right now. I mean it is public access. You can access us two different ways when you go to the Assessor's website. You can either click on access to the Evansville GIS map and then you would try to find it on the map. Or you can just access an address next door, then click the map, and then it will show you, and then you can find their address that way. So it's very simple; a lot easier than it was in 1984 and we were able to access notifications then.

And I also, in speaking to other fire departments in Indiana, I found that they do not leave the scene. Once they have access to property; they bust down a door or they knock out a window, they cut a hole in the roof for a venting, they pull a garage door. They don't leave that scene unattended so that looters can go through access public

property because it is the fiduciary responsibility of a public servant to protect and also to institute an investigation so what they do, Spencer County does it, Warrick County, and when how...what they do as the fire department is they try to access to make a notification. If they are unable to contact the property owner then what they do is they contact whoever the city or the county has a contract with to do boarding such as Ron Beane boarding up open doors on vacant properties. That way if they're on a vacation and they come home, they, you know, their property is secured. It prevents that theft. But you know, the fire investigator in my situation spoke to the neighbor that morning who had my cell phone number. He had the deeded owner's cell phone number. You know, we still were not contacted and I know they, it was played off that I found out the next day but it was 30...it was over 32 hours later. That was after all day Saturday, Saturday evening, Saturday night, and Sunday day of looters. And, you know, and there was...I was able to get a small box of dishes but all of the good stuff had been picked up and carried off, you know, so that's the huge issue.

And, you know, there's a standard that even when I was a paramedic, if I was...if was called to court I had to answer to a standard of another equally trained individual and that's the same for the fire departments. I don't understand that in 2015 that Evansville doesn't have a policy; Evansville doesn't notify owners when we were doing it in Warrick County, with far less resources, in 1984.

Councilman Weaver: I agree. That needs to change.

Angela Bullock: And you know it's...the same holds true is, you know, which I know the garage that I had wasn't in the best neighborhood but what if it was your office or your office or our office at ERA. It's not occupied in the evenings; it's not occupied, necessarily, in the weekends and there's a fire there, Fire Department goes in and knocks open the doors, they're done. They go back to the station and clean. You know, do you leave that open, wide open, like that if you can't get ahold of somebody? That's a huge liability.

Council Attorney Danks: If I...yeah, what type of notice are you talking about? I mean in your case, you had a neighbor that was home apparently that just happened to have your cellphone number but it that's not the case...

Angela Bullock: And he...and he did not call me because *(Inaudible)*...

Council Attorney Danks: I got that, I got it. But at far as the departmental policy, do they have access to people's telephone numbers? If they...if they determined...

President Adams: Through the Assessor's...

Angela Bullock: Well yeah, they don't have...

Council Attorney Danks:...*(Inaudible)*...anybody else.

Angela Bullock: It has their address, the physical address and so then you go through means of...you can, you know, dispatch has internet access. You Google; see if you can find through, you know, yellow pages, different websites to see if there is a home phone number. If there's not then, in Warrick County in 1984, we would send a...if it was in the county we would send deputy to do the notification or if it was a city, we would send a city, whether it was Newburgh or...

Council Attorney Danks: I'm with you. I'm just a little bit confused. If the homeowner is not home...

Angela Bullock: Right.

Council Attorney Danks: That's the purpose of the notification.

Angela Bullock: Right.

Council Attorney Danks: What good does it do to send out a deputy or to send out a letter to the address that's been damaged. That's the homeowner's address, right?

Angela Bullock: Well the whole point is the fiduciary duty.

Council Attorney Danks: I got that too about securing the place.

Angela Bullock: So it's not necessarily just a home. It could be a commercial building, it can be a garage property such as mine was, and it's making the attempt to notify before you leave the scene so that the scene is secure. That is the issue.

Council Attorney Danks: I'm just...I understand the issue and I...and like the last meeting, I think that I'm going to have some Councilmembers ask me to work on a policy or ordinance and I'm trying to think, "What is an effective way to notify a homeowner?" It's not a trick question but if they don't...I get it, going next door and knocking on the door and saying do you know this...the homeowner's phone number so we can contact 'em,...

Councilman Friend: Right.

Council Attorney Danks:...let 'em know that part of their home is missing or whatever, but if they don't have that, how do they notify, by mail? And that's going to be a three or four or five day process and...and I get the securing too if it's reasonable, you know, but if we have a large portion of a house that burns and it's wide open, I'm not quite certain how anybody can secure that without a very, very substantial expense on the part of the City with no guarantee whatsoever that they're going to be reimbursed. But as far as the notice requirement, what exactly are you recommending?

Angela Bullock: I recommend that attempts be made prior to vacating a scene.

Council Attorney Danks: Reasonable attempts but nothing...

Angela Bullock: Reasonable attempts...

Council Attorney Danks: I got it.

Angela Bullock: And then if not, if you cannot contact 'em then, you know, you have the duty to protect the property and that may involve having the contractor that is contracted by the City and the County to board up vacant houses, have them to come out and board up a door, a window, whatever it is so that the personal property is left secure.

Councilman Lindsey: Well, let me ask you a question. Couldn't that be a...you're talk about the money being reimbursed by the City, wouldn't that be an insurance issue that the insurance would...could that be part of the ordinance or could we make that as a part of the ordinance for the *(Inaudible)*?

Councilman O'Daniel: I'm not sure we need an ordinance on this. I think it's just basically a checklist of just kind of making sure we do our best efforts to...

Speaking Simultaneously

Councilman Lindsey: But that would be part of the insurance claim, wouldn't it.

Councilman O'Daniel:...notify and secure.

Councilman Lindsey: Any costs?

Councilman O'Daniel: Do...I mean is there a policy of securing the residence once you all leave? Or what is the...

Fire Chief Connelly: We do as best as we can do to conserve property and that means, obviously, if we break in a door we have to close it as best as we can. We don't have the tools or the resources to completely secure, just like the example you gave, Attorney Danks.

The contact with the business owner is through an alarm company. That's a legitimate communication path and we always get somebody on scene when there's a business before we turn the property over. We do what we can to get ahold of a residential property owner beforehand.

One of the things I do want to point out, you go to the Assessor's website and look up the property owner for 1115 N. Fifth Avenue and you find Janet M. McCormick so here's a perfect example here that person is not the person we're talking to today.

President Adams: But she probably would have called that person.

Multiple Speakers: *Speaking Simultaneously (Inaudible)*

President Adams: Yeah.

Fire Chief Connelly: *(Off Mic) (Inaudible)*...if they had you contact *(Inaudible)*, I'd I imagine they would have contacted you.

Angela Bullock: Right, but as I provided Councilman Adams, that she was never notified. She was notified by me over 32 hours after the fire. I called her and then I texted her. Had she found out then I could have gotten there and I could have secured my personal property.

President Adams: Well...yeah, please. Go ahead.

Angela Bullock: But it wasn't...

Councilwoman Mosby: I do have a question. So if any type of residential fire or any fire, I mean, so you would walk away without anyone being notified?

Fire Chief Connelly: We call for...if we can't get the property owner and we can't secure the property we ask for extra patrols from EPD.

Councilwoman Mosby: Okay. Because I mean I just concerned because if someone is out of town or, you know, they come back five or ten days later and you know, what is going to happen to all...same way that happened to you. People are going to loot; people are going to...

Speaking Simultaneously

Angela Bullock: Yeah, and State Farm Insurance...I'm sorry. And State Farm Insurance was very shocked that it was not secured, it was not even yellow...a yellow caution tape or nothing. Nothing was marked.

President Adams: Any other comments from City Council? It seems to me we've got a plethora of templates from which to create a pretty good ordinance to cover this, do we not? I mean we've got Warrick County, we've got Indianapolis, we've got a whole bunch of...

Councilwoman Brinkerhoff-Riley: I think the...

President Adams: We don't have to reinvent the wheel. I'm just suggesting that we take a collage of those and make it better.

Councilwoman Brinkerhoff-Riley: Well I think also, I think probably Chief Connelly deserves the opportunity to take a stab at creating a policy. I mean, talk to...you know, because what are the issues when somebody's maybe out of town and there is significant structural damage, I think that's a safety issue to people that their best attempt to loot might get 'em injured, you know,...

Fire Chief Connelly: How about this?

Councilwoman Brinkerhoff-Riley:...when something is structurally unsound so I mean I think you got a lot of things and you're the best suited to figure out how you might want to do it and I think you understand our concerns. I mean protect property, protect the site, let people know, if that's at all possible, and like I said, the Rental Registry I think will be super helpful. It's much better than the Assessor's site in the sense that if it's a rental there's a phone number. You know?

Fire Chief Connelly: Correct. Here's the other extreme scenario: Sugar Mill Creek Apartments, significant fire, eight units burn, unsafe to enter, had to demolish it that night. I mean that's...those are the kinds of...that's the gradient that we're working on here, okay.

You have a kitchen fire, knock in the door, pull it closed as best we can, don't notify the occupant. Okay, we need to secure the door but when half the house is burned off, we aren't going to be able to secure it.

Councilwoman Brinkerhoff-Riley: Well plus when you look at Sugar Mill Creek, there probably wasn't much there to loot. It was probably a complete loss to those residents in terms of their property so I mean when you get to that extreme, it's more of a danger to people in the area and passer, you know, that you've got to take it down but...and then that other extreme is where you've broken the lock on the door and basically you need to board it or something like that. I mean I know there's a whole range of situations in the middle.

Fire Chief Connelly: It's not a one-size-fits-all.

Councilwoman Brinkerhoff-Riley: No, oh no.

Councilwoman Mosby: Could we look at doing some type of checks and balances or some type of, you know, work with your department?

President Adams: You want to take a shot at it?

Fire Chief Connelly: Yes. I'll take a shot at it.

Speaking Simultaneously

President Adams: Do you want to take a shot at creating a policy or you want him to take it.

Fire Chief Connelly: I know State Farm (*Inaudible*); I know Chief John Buckman; both around the Indianapolis area, we've got departments around here that deal with the same issues.

Councilwoman Mosby: Okay, thank you.

President Adams: So you're going to take a shot at creating a policy?

Fire Chief Connelly: I'll take a shot at it. You want to come in here with some plywood and saw horses and we're going to make doors so they'll be ready to go.

Councilman O'Daniel: And you know, I'd like you to have a timeline. Can we think maybe first week of June?

Councilwoman Brinkerhoff-Riley: Well and maybe...

Councilman O'Daniel: Or something like that. I mean...

Councilwoman Brinkerhoff-Riley: I think we could maybe throw a *(Inaudible)*. My concern is what happens in the meantime. I mean in the sense of...I mean can...we don't meet again til May 11. Can you at least come and tell us, "Not there yet", "Got an idea"?

Fire Chief Connelly: This is Chief Fire Marshall Dan Grimm.

Chief Fire Marshall Grimm: Good evening. Since the Investigation Division and Inspection Division are under me, I told the Chief I'd come and see if I could answer some technical questions since I'm sure the Chief will delegate this task to me *(Inaudible)*.

Laughter

So it is very unfortunate what happened but I do want to insure the Council this was one of those rare occurrences that just all the cracks had lined up and they fell through. We do attempt to get ahold somebody and it's very, very rare in a residential situation that someone doesn't live...where someone is living at that residence, at that address, whether it's rental property and it's being rented to somebody or something else, and we do have a very good track record. We make over 8,000 runs a year and this is the first complaint I've heard of this nature in several years...I mean ever to me. I've in this job 2.5 years.

President Adams: So you got a crack. You got a crack; can you fill it?

Chief Fire Marshall Grimm: Yeah, we will do our very best to do that.

President Adams: God bless you.

Chief Fire Marshall Grimm: Our very best. So, but this...I do want to want to tell Angie that, you know, I'm very sorry things happened like this but we did try. One of the other things that we highly recommend is she had gotten some misinformation because I got an instant report from my investigator. The next door neighbor did not give us cell phone numbers. Had he, we would have called them; we would have called them at 2:00 a.m. That is one of our standard procedures that we do on scenes, either by the

instant commander or by the investigator. So, we didn't have the numbers. When they talked to the gentleman he told him who the names were but he did not have any cellphone numbers to give 'em so that's another one of the small, little cracks. Typically when people have a property and they don't live there they contact Central Dispatch and give them their information so if there is an emergency they know who to contact, which I'm sure Ms. Bullock is very familiar with that since she worked with Warrick County.

So we will look at it and see if we can't do better, because you can always do better, but I assure you we don't have an actual problem but we will do better.

Council Attorney Danks: That procedure that you just mentioned, if you own real estate you can contact Central Dispatch?

Chief Fire Marshall Grimm: You can call Central Dispatch for anything.

Speaking Simultaneously

Council Attorney Danks: *(Inaudible)*...if you ever need to get ahold of me, this is my cell and they keep that record there?

Chief Fire Marshall Grimm: Since we're computerized, this is 2015; it goes in what's called the Premise Information....

Council Attorney Danks: Okay.

Chief Fire Marshall Grimm:...and you could own a piece of property and live in Florida and they would know who you are on a piece of property and know how to get ahold of you.

Unidentified Speaker: *(Off Mic) (Inaudible)*

Council Attorney Danks: Yeah it is. It's not just the person on homeowners.

Speaking Simultaneously

Chief Fire Marshall Grimm: I mean that's what we do with many businesses. We have a lot of commercial ventures here in Evansville and Vanderburgh County where the actual corporation or the owner does live in Evansville and we can contact them just by going to the Premise Information.

Any questions from other Council?

President Adams: So we will see your shining faces here...

Chief Fire Marshall Grimm: Couple of weeks.

President Adams: Couple of weeks?

Chief Fire Marshall Grimm: Yes sir.

President Adams: God bless you. Thank you so much.

Chief Fire Marshall Grimm: Thank you.

President Adams: Okay Mr. Greer, you wanted to comment on what is termed here, "Cash Short"?

Sherman Greer: *(Off Mic)* Yes.

President Adams: Good evening.

Sherman Greer: *(On Mic)* My name is Sherman Greer. I live at 7227 Ashton Park Drive, Evansville, Indiana 47725.

The last meeting that the City Council had, a question was given to Mr. Allen Mounts on what was the status of the investigation of the...a "Cash Short" of \$400,000 reported to the public on February 20...on February 13 of this year. Reminding...remembering that the reports are not in real time and this rec...this has...his response, I'm sorry; his response was that, "This has been taken care of".

Wouldn't any other organization, if they were \$400,000 short, wouldn't they start and internal investigation immediately and accurately be able to find out what happened, how it happened? We would like to know...we would like to know, I would like to know why did this happen. Who was the responsible...for the situation? What procedures were implemented so it doesn't happen again and also, if the "Cash Short" was corrected, how was it corrected, and if corrected, when was it corrected? And I think we the people of Vanderburgh County, Evansville, should know that information and we haven't heard anything else about it.

So, where do we go from here? Mr. Mounts is not here, I know that, so we'd like to see if we could find out some information on where this \$400,000 shortage is.

President Adams: Mr. Schaefer, do you want to make a comment on that from the Administration's point of view?

Chief of Staff Schaefer: *(Off Mic)* Sure. *(Inaudible)*

President Adams: Sorry to put you on the spot but...

Chief of Staff Schaefer: Oh well...

President Adams: It's your department.

Chief of Staff Schaefer: Steve Schaefer, Mayor's Chief of Staff. I'm not really sure. I mean I thought Allen Mounts explained it pretty clearly at the last meeting.

Sherman Greer: I don't have the minutes of the...I requested the minutes of the meeting but the minutes were not approved until today so I won't be able to get those but from the understanding that I have, and if I remember correctly on TV, but I could have been asleep (*Inaudible*). If I could understand on TV that he said the situation was taken care of and that was it and I don't know.

Chief of Staff Schaefer: Well we can...we can have Allen come to the next meeting and discuss it and give you another explanation.

President Adams: Okay, great.

Chief of Staff Schaefer: But the important thing is I think it was...it was a finding with the State Board of Accounts and...

President Adams: It wasn't a final report?

Chief of Staff Schaefer: It was a finding.

President Adams: A finding but not a...

Chief of Staff Schaefer: A finding.

President Adams:...not a final report in February?

Chief of Staff Schaefer: No, it was in there.

Sherman Greer: No, it was final.

Chief of Staff Schaefer: It was in there. It was in the clean opinion that they gave.

President Adams: Right. So...

Councilman O'Daniel: Yeah, I think the distinction here is that there's a, sort of a, acceptable amount of error that the State allows for and, you know, I think most tax payers or most people in their own individual accounts wouldn't stand for that size of deviation. Unfortunately the State Board of Accounts does. Now the...they always have mentioned internal process and trying to better that and I know, at least within...now this is the water side, or the utility side, and that's not Controller Lloyd's issue, but I know that those have been similar opinions by the State Board of Accounts in...on the General Fund as well and we go through that. They're not always perfect; there's a lot of money floating around back and forth, but I think they do the best they can.

Now the question is what's that acceptable amount of variance? \$400,000 seems like a lot.

Sherman Greer: Yeah, you know I'm not really concerned that much about the \$400,000 because I know millions and millions of dollars when you...big government and

everything else that happens and everything. I would just think that we should have...we deserve more than, "It has been taken care of".

Councilman O'Daniel: Yeah, and I...

Sherman Greer: We need an explanation on what has been taken care of, who has taken care of it. Is this going to be...is this going to be happening again? I mean *(Inaudible)*...

Speaking Simultaneously

Councilman O'Daniel: And I think that's probably a question for Jenny Collins, honestly.

Sherman Greer: Yeah.

Councilman O'Daniel: I...of the top of my head I don't recall what the resolution to that was. If they said it was a timing thing or whether or not they found an error in various other payments made out but I think that's a fair question and we can perhaps invite Ms. Collins to be here at least to give...or at least some sort of memorandum of explanation as to what that was. I think John probably knows more about this.

Councilman Friend: Generally what you find out in these situations is if you have a problem with the bank reconciliation at the end of the year, which obviously they made that clear in the report that they were still having difficulty with bank recs; that was in the...in the report.

Councilman O'Daniel: Uh-hum.

Councilman Friend: You usually find that in subsequent periods of time as you go on to the next...you start doing your reconciliation. If you're off \$400,000, well you capture that and you reconcile to off \$400,000 in January of 2014 and you try to work it down. And as those things start working through the next cycle, you generally find 'em.

Sherman Greer: Find that \$400,000.

Councilman Friend: Now that's what I would think that the Administration would come in and say, "Well, we did bank reconciliations in January, February, March, April, May of '14 and we started working it down. We found these errors. If they want to specific about it, if they can, they wish to but hopefully that's what we do...find it at the end of the day. If they're still off \$400,000, I don't know what to say about that. I guess you have to find out.

Sherman Greer: So...so we could be \$400,000 off for six months?

Councilman Friend: Yeah six months, sometimes even longer.

Councilwoman Brinkerhoff-Riley: Yeah, I would disagree with that as well as with the issue of whether it's material. That's not what the State Board of Accounts found. They didn't find that it was immaterial and Mr. Greer, you are correct that the State Board of Accounts does not work in real time so when you look at auditing 2013, up until the moment of and beyond the exit interview, if corrections are made to the satisfaction of the State Board of Accounts, then it doesn't appear in the report.

Sherman Greer: Uh-hum.

Councilwoman Brinkerhoff-Riley: So when you get a State Board of Accounts Utility audit that's issued on February 13 of 2015 that includes in it a letter from Russ Lloyd that's dated December of 2014, it is safe to say that as of the end of business on December 31 of '14, they had not corrected the issue of \$400,000.

This is a very different issue than 2011 when they weren't able to audit '11, we had money in the bank that we could not account for on paper. Not the worse problem in the world. It's a problem but the money's in the bank; we just don't have the transactions to back up how it got there and that's where you saw the big adjustment. This is a different issue because the money's on the books but it's not in the bank and the State Board of Accounts specifically cited state law that says a Controller can be held personally responsible even just for negligence. It's not...doesn't have a standard of intentional misconduct so as of the date of Russ Lloyd's letter, they didn't have it corrected but the letter does say that they disagree with the finding that we're off \$395,000.

Sherman Greer: *(Inaudible)*

Chief of Staff Schaefer: *(Off Mic) (Inaudible)*

Sherman Greer: Yeah. No, I understand but still yet I had to deal with State Board of Accounts when I was with Emergency Management and grants and different things like that and I understand a part of that. I think, like I said, I keep referring back to the same thing as that, "It's been taken care of". That'd be like you'd ask me a question and could say it's been taken care of and turn and walk off and everything. You know we need some type of explanation for...and this right here today, it's good for me to understand...

President Adams: It's a valid question sir.

Chief of Staff Schaefer: Real quick. Before the experts try to give an explanation I just want to say the day after that was made the Mayor did talk to the State Examiner. There is no investigation. They're...you know they have....they've agreed that there are no missing funds so I just want to make sure that...and that's the head of the State Board of Accounts so...

Councilwoman Brinkerhoff-Riley: Wait a second.

Councilman Friend: If I...can I...let me...

Councilwoman Brinkerhoff-Riley: That's not what he said. You contacted the head of the State Board of Accounts and he said there's not an investigation. I haven't personally alleged any form of investigation.

Chief of Staff Schaefer: I said in response to a comment at the last Council meeting.

Councilwoman Brinkerhoff-Riley: Right, and that's not what I've said but that extra part about there not being any missing money, that wasn't part of the Mayor's statement and because...the 395 will come back around when they audit '14 if indeed there hasn't been an adjustment that allocates it because there's a huge difference between intentional misconduct and simply negligent bookkeeping and so there wouldn't necessarily be an investigation related to mistakes. It doesn't mean that the law doesn't say that a Controller can be held personally responsible for those, which is cited in the State Board of Accounts report you know. I don't think the tax payers care a whole lot as to whether it's intentional misconduct or its negligent bookkeeping. They want a better explanation for what happened to the 395...\$395,000.

Councilman Friend: Stephanie if I...let me add to that. This all spurred because of a comment I made. I wasn't in...I didn't want to insinuate there was "a criminal investigation". Normally as a CPA when I've gone out with clients and done that, they usually start what they call an internal investigation and that's what my point was being. It had nothing to do going with the State Board of Accounts. I've audited these things and found findings just like this and management takes it upon themselves to conduct that investiga...or call it a review. Call it an examination, whatever you want to call it. It's all internal. That's what I was waiting for to see what his reply was with that patie...I assumed would have happened. That's what that was about.

Sherman Greer: Mr. Friend, there are 30,000 feet; I'm on the ground. I just want to know about an internal investigation that would be hap...that would happen here...

Councilman Friend: I understand.

Sherman Greer:...at the Water Department.

City Attorney Ziemer: I'm Ted Ziemer the City Attorney. I think what we're doing here is speculating about a lot of things and the person who can answer this question is Allen Mounts and he's not here this evening so to continue speculation seems pretty ridiculous to me.

In addition, Mr. Greer did make reference to...first, he talked about an investigation. There was no investigation; there was an audit by the State Board of Accounts. Then later, you've now said you're talking about an internal investigation. I don't know what you're talking about but I think the issue of that money, which Allen Mounts said was

taken care of, we will find that it was, and when he comes to your May 11 meeting, he will address this question but to speculate about it further this evening is ridiculous I think, and the Controller is here to make some comment.

City Controller Lloyd: I mean the only thing I would add is there's no money missing. Jenny Collins had shared with me there's about five different accounts that make up that \$395,000 but this is from December 31, 2013 which was the last audit done. There will be an adjustment to 2014 but I mean there's no money missing that I know of and there's, I mean, internal investigation...there was a reconciliation done. I wouldn't call it an investigation.

Sherman Greer: And that's what I hear was an internal investigation, not a full-blown investigation. *(Inaudible)*

Speaking Simultaneously

City Controller Lloyd: Right I mean there was a reconciliation that was done.

Councilwoman Robinson: I think Mr. Mounts just told us it was taken care of but he never told us how it was taken care of and that's a...that's the question.

City Controller Lloyd: Well we can provide...I mean that should be provided to Council, which we'll do so you'll see the *(Inaudible)*.

President Adams: Maybe we could call it an "Internal Study".

Speaking Simultaneously

Councilwoman Brinkerhoff-Riley: When did you make an...

City Controller Lloyd: Okay. Well, there's an internal reconciliation; we'll provide that to Council.

Councilwoman Brinkerhoff-Riley: And when was the adjustment made? It had to have been after your December of '14 letter to the State Board of Accounts.

City Controller Lloyd: Whenever we had the exit conference with the State Board, that was part of the finding that they had and we went through and looked at what consisted of that and it was brought forward and corrected.

Councilwoman Brinkerhoff-Riley: So you corrected it in '15, this year?

City Controller Lloyd: Yeah, it was after that letter...

Councilman Friend: Russ.

City Controller Lloyd:...and that's part of the problem of having an audit so old, reconciling in the end of '14.

Councilman Friend: Well can I ask you one thing? Did...when you did the reconciliation for 2014...

City Controller Lloyd: Uh-hum.

Councilman Friend: will we expect any problems there? Will we have any comments on problems of reconciliation?

City Controller Lloyd: Not that I know of.

Councilman Friend: Okay.

City Controller Lloyd: And we're anticipating State Board come in, at least for the City audit within the next probably month or so to start on that.

President Adams: Thank you Mr. Greer.

Sherman Greer: *(Off Mic)* Thank you folks.

President Adams: Appreciate it. Come on back in two weeks please or watch on...come on back in two weeks or watch it on TV.

Sherman Greer: *(Off Mic)* I will come back in two weeks.

President Adams: Alright, thank you sir.

Any other comments from City Council members? Any other comments from the crowd? Any other subjects you'd like to bring up about anything? Okay, yes sir.

Unidentified Speaker: *(Off Mic)* You've got a taker.

President Adams: I'm sorry?

Unidentified Speaker: *(Off Mic)* You've got a taker.

President Adams: Great. Do me a favor and state your name and address sir, when you get a chance.

Steve Ary: Hello, my name is Steve Ary. I'm at 1249 John Street. I have, actually, a few questions I'd like to ask if that's okay. I haven't been here in a while so I'm a little nervous about being here.

One thing I wanted to mention is our parks are in need of improvement as noted by one of the voters in the Second Ward. The park on Pollock Avenue; I believe it's called Vann Park in review of the most recent published financial report. The Parks and Recreation fund balance is negative and more concerning is the balance in the fund as of January 1 of this year is a mere \$100,000 while that fund three years earlier was 3.3 million dollars.

When will the promised report on comprehensive maintenance be published and what measures will be taken to properly fund that...the needed improvements to our parks? I don't know who I'm asking.

Councilwoman Mosby: Can I just make a comment about the Second Ward park at Vann/Pollock?

President Adams: Sure.

Councilwoman Mosby: I did try to contact that Second Ward constituent several, several times; invited her down to the park. She never returned any of my calls. This happened in January. We had already had different days planned to do clean-ups. I would love for you to meet me down at Vann/Pollock Park. It looks fabulous. We had community people actually step up. My Adopt-A-Park program where we had neighborhood associations come together and we are doing wonderful things at Vann/Pollock and also at Lorraine Park so...

Steve Ary: I see.

Councilwoman Mosby: So just would like to clear that air and I'd love to meet you there and show it to you.

President Adams: In all honesty, it could use a dose of gravel though in the parking lot.

Councilwoman Mosby: And we are working on that issue because there's some drainage issues but hey, I would invite any of you to come take a look at Vann/Pollock with me.

Councilman Friend: I think what your point was I think Stephanie, we talked about it. We were going to get a report on maintenance on the parks in general, comprehensive report. I think it was going...we're going to pay \$40,000 for that, were' we not? I thought it's what it was. That's what we been...I think you might be referring to I guess.

Steve Ary: Yes.

Councilwoman Brinkerhoff-Riley: Thank you for coming. I mean no, it's nerve wracking to come up here and so I mean the last time that there was a maintenance report done on the parks I believe was 2007 and it essentially said that as the park system declines in quality the use correspondingly declines and creates a cyclical process where you're receiving less revenue, you know, for park shelters and things like that so as use goes down, you know, and it becomes sort of a self-fulfilling prophesy. We pay for the Parks Department out of a Special District tax. If you're a homeowner, it shows up on your bill as Special District but...and I think Conor might be better to talk about this, but there's a deficiency between what that tax generates, plus it's revenue, you know you pay to go to the zoo, you pay to rent a shelter, you know, the park...you

go to the pool, so the Parks Department has a certain amount of revenue, you rent C.K. Newsome, and then it generates a certain amount of money off of its Special District tax but that...there's been an ever growing gap between the revenue and the tax and its expenditures and a lot of what you've seen over the last couple of years...it's not us cutting the Parks budget; we don't cut their revenue, we don't cut their tax but we sometimes have reduced the subsidy, what funds we use to fill that gap between what they generate themselves and what they need to operate. I mean that's a legitimate question in terms of how do we continue to put money into the Parks when you're not generating already as much money as it takes just to maintain.

That's something that most of us have been talking about for a couple of years whether it's a reorganization of the Parks Department or more of what Missy talks about in terms of an Adopt-A-Park but there are very valid questions and all over the country communities are addressing these problems through partnerships, you know, with corporations, with civic organizations, but part of that needs to be the will to get out and do it on a city-wide basis. We also have about 2,400 acres of greenspace; it's a gigantic amount of greenspace for a population our size. I would challenge you find another city of our size that has this much acreage and so, you know, we might have a bit of an overcapacity and at the same time we've got some dwindling resources but I think that's...all of us, ever budget, talk about it and, you know, and how do we fill that gap and if the will isn't there to raise that Special District tax then it may have to be filled with private partnerships, you know, can we get a Boy Scout troop to take on a very small part that doesn't have a lot of maintenance but you have really valid questions that, you know, I don't personally have all the answers for but it's something that we need to fig..., you know, we need to figure it out.

Steve Ary: Yeah, I think mostly my concern is I...I looked at the funds and I was wondering where they were going, if they were actually going into the parks or if they were being moved into another account or something like that but...

Councilwoman Brinkerhoff-Riley: They have to be spent on the parks, we just don't have enough.

Steve Ary: Okay.

Councilman O'Daniel: And, in fact, last year last year I think we borrowed...well not borrowed but spent \$300,000 of LIT which generally goes towards other things like knocking down blighted houses or street paving or whatever it may be and unfortunately that had to be earmarked for parks. That was a reduction year over year and, obviously, we want to eliminate that so we can resource where it's properly supposed to be but always a challenge.

Steve Ary: Okay, thank you.

Councilman Weaver: I do want to add, if I can, that there were hundreds of people out there April 11 helping with Vann/Pollack Park and then Missy was honored, what was that a week later? She threw out the first pitch for her service.

Steve Ary: Awesome.

Councilman Weaver: Go check it out.

Steve Ary: Thank you.

Councilman Weaver: Yeah, it was...

Councilwoman Mosby: It was the second pitch but...

Councilman Weaver: We painted; the roofs were redone, local labor helped.

Steve Ary: Okay, but it was a *(Inaudible)*.

Councilman Weaver: You only have this body blame because we cut \$50,000 from the Parks maintenance budget in 2013.

Steve Ary: Oh wow. I see.

Okay, to continue I wanted to ask as reported nearly 27 million dollars has been spent more than this city has received over the past three years. A spending plan was mentioned but when the public...when will the public receive this plan and see, it was mentioned, "Increases in fees would be considered". Can you elaborate on the specifics of those increases and Mr. McGinn mentioned the elimination of the Homestead Credit. Doesn't that sound more like a revenue enhancement plan versus the spending reduction plan? Is it something that anybody can explain?

Councilman McGinn: Yeah, may I answer that question? First, may I ask you question? Who asked you to be here this evening sir?

Steve Ary: I've got a friend that actually pulled some information together for me because I have a new interest in the City that I didn't have until recently and some...

Councilman McGinn: What is that?

Steve Ary:...concerns were, "Where is the money going?"

Councilman McGinn: Well who would...would you mind disclosing your friend's name?

Steve Ary: I would not like to. Thank you.

Councilman McGinn: Actually Councilman Friend mentioned Homestead Credit but I'll tell you how that arose. A couple weeks ago Mr. Friend and I had a discussion and it

boiled down to whether or not I agree with his assessment of the City finances and John will be...I think he'll be candid as I will and tell you we have a disagreement as to the state of the City finances. I mean we agree to disagree; we're not mad at each other. It's not a personal thing. And my question to John was, and I'll try to quote it, "If the City finances are as bad as you think they are, do you have the backbone to discuss reducing Homestead Credit? I do." And that's how we left it I think...John? That was basically it. So that's the conversation that arose.

So if you want to ask me anything else about it I really can't give you an answer because that's the entire question and that's the entire conversation.

Councilman Friend: If I may add, I think what this spending plan is originated from was back last July when Dr. Adams and Councilman O'Connor...Mr. O'Daniel here, was in the Mayor's office and Dan hadn't mentioned about the fact that the City should heavily consider a spending plan. Now the essence of it...that's about as far we knew about it at the time. I think the 2...I think that 27 million number came from I think a posting of the former mayor, made a comment to that. I think my analyses shows that that number is probably was underneath that number but that's after you take into account of the 2.5 million dollars that was pulled out of '15 and thrown in '14 and the amount of the payables that were held over and put into '15...should have been in '14. I think those are the numbers for those 27 million dollars comes into play.

But that's the question. I guess the...when we get into the budget we're going to have to get into it I guess. That's my opinion I'll leave that up to my...my distinguished colleague here.

Councilman O'Daniel: I think it was left last week that the Mayor's Office was just in it's infancy of meeting with its department heads to begin the process of them fashioning a budget. Obviously, we're not in on those talks. It's then presented to us at some point. Obviously, we've had some conversation, or at least...at least through this dialogue up here. I think they understand that there is a gap that needs to be closed. Reasonable minds can differ on how fast that gap needs to happen, you know, a spending plan can be a flat budget and let revenue catch up. It can be a combination of spending cuts or a flat budget, and flat expenditures I should say, and increase of revenue at some level but we don't know what the Administration is looking at, at this point. I...we heard some revenue enhancement numbers but we've not heard anything on the expenditures side and you know, hopefully, we'll hear that here in the next probably month and a half is when I would imagine they'll start finalizing some of their preliminary numbers.

Councilwoman Brinkerhoff-Riley: Mr. Lloyd is the one that brought up fee increases so I think...Russ do you want to address his question about whether you firmed up any ideas?

President Adams: While he's coming up I want you to understand I don't think anybody up here is about ready to get rid of the Homestead Credit unless we're really...our backs are up against the wall and we're facing having to perhaps furlough 40 firemen and 40 policemen. At least that's where...that's where I would be in terms of that.

Steve Ary: Uh-hm.

City Controller Lloyd: Russ Lloyd, Controller. The plan would be a financial plan and it would include revenues and expenditures, not just spending. And it's my understanding and I've had communications with the mayor. He's going to bring the Homestead Credit before Council with a recommendation that it be renewed for another year and the effect on the City is about roughly 1.2 million, which comes off the top of LIT before we ever receive it. And we've developed a number of scenarios that we've been discussing with the Mayor. We've met with a couple of the department heads; we're just getting started on it, but a lot of the proposals are being formulated which will be brought forward for the budget and hopefully some could be implemented before the budget.

Councilwoman Brinkerhoff-Riley: Okay, so for you...so you are looking at doing something for this year as we pace along with less revenue than originally thought.

City Controller Lloyd: Yes.

Councilwoman Brinkerhoff-Riley: Okay. And also to look at the '16 budget. I'm assuming this is a multi-year concept.

City Controller Lloyd: Yes.

Councilwoman Brinkerhoff-Riley: Okay, thank you.

City Controller Lloyd: And that's what working with Mr. Hedden at Umbaugh, we...it's been developed over several years like a three-year plan in addition to somethings that can be done in 2015.

Councilman Lindsey: Hey Russ, what kind of a property tax revenue increase do you think you're going to see in the spring? You've kind of projected last year that there's going to be an increase and I'm pretty sure there is one because I know all my property tax has increased so.

City Controller Lloyd: Yeah, it's hard to say. They're a wide variety on properties. Our...we saw from the County Auditor that the City's circuit breaker increased by a slight amount, like a couple hundred thousand so we projected about 2%...2.2% or 2.3%.

Councilman Lindsey: Increase?

City Controller Lloyd: Yeah.

Councilman Lindsey: Okay.

City Controller Lloyd: Well it'd be our revenues increased but among different properties it's all over the board.

Councilman Lindsey: Oh, okay. Alright.

Councilman Friend: Russ, during the budget hearings you indicated there was going to be a 4% increase.

City Controller Lloyd: The 4% was...I believe it was overall assessed valuations but our receipts could be lower than that.

Councilman Friend: Well if it's 4% then you could be *(Inaudible)*
Speaking Simultaneously

City Controller Lloyd: But the overall assess valuation went up 4%.

Councilman Friend: I'm sorry?

City Controller Lloyd: The overall assessed value went up 4% but that doesn't mean that's what our payments will be.

Councilman O'Daniel: It seems like the assumption's usually around what, 2.5%, 2.7%.

City Controller Lloyd: Right.

Councilman O'Daniel: Something like that.

City Controller Lloyd: We had caught the one year with the...when the circuit breakers basically doubled.

Councilman O'Daniel: Yeah.

President Adams: Sir, I might make the observation it's none of our business as to who you're working with...together. Just I applaud the fact that you are interested.

Steve Ary: Thank you.

President Adams: Because I think we all are and it's something that been growing over the last two or three years and becoming more and more apparent. So thank you for your interest and your concern.

Steve Ary: Thank you.

Councilwoman Robinson: I want to thank you also because I don't think you should be questioned when you come before us as to who sent you here and who you are working for.

Steve Ary: Thank you.

Councilwoman Robinson: You are a tax payer and you have every right to ask these questions.

Steve Ary: Thank you. I do have two more if that's okay.

President Adams: You're going over your five-minute limit but...or three-minute limit. I'll tell you what, the questions...

Steve Ary: It's been a while.

President Adams: Just throw your questions out.

Steve Ary: Okay.

President Adams: I apologize.

Steve Ary: As it appears, the Indiana House budget approved 36 million dollars for the IU Medical School but the Senate approved only 25 million. The Mayor, during the last visit in front of the...in front of this Council, indicated that the hotel is going up in cost from 20 million to 28 million. Now it seems the Downtown TIF may have to fund a short fall from the state. Why would this community have to subsidize over 60% of a state education system for IU? Or for example, IU, based on the House version and now the Senate has cuts over 10 million, if the Senate version is implemented, how will the Downtown TIF support the apparent increase in funding the IU Medical School while the hotel is increasing by eight million. This has a potential of increasing the Downtown TIF by 20 million and during one of the most recent downtown Rotary events, the president of the ERC said that the TIF was only generating 5.4 million. Which is more important, the IU Medical School or the hotel? Shouldn't we be focusing on the medical school instead of the hotel and after the medical school is a reality then let private investors take the project?

President Adams: Let me take a crack on that if I could. Right now this particular...the numbers that you threw out are in a...total state of flux.

Steve Ary: Okay.

President Adams: Right now the Conference Committee of about 20 different members of the legislature are hammering out just exactly what the contribution from the State legislature will be. Until we have that number we really don't know what we're dealing but there is enough money for the IU Medical School to come down here and

be created with the IU Dental and the research part and U of E and the U of E new PA program and the U of E nursing program. We don't have to have anybody else to join us. I would love for USI and IVY Tech to be down here but indeed, we have to wait until we find out what the contribution is. It might even be that the City has to put less money in if all they're going to do is fund the medical school from the TIF. So indeed...I think...there is no answer to your question at this juncture but I think, I hope, I pray that there will be enough funding to just get the med school down here because once that nidus is created I think that vortex will bring a lot of other people down there within two or three years.

Steve Ary: Okay, thank you. Thank you Council; sorry to take up so much time.

President Adams: You didn't. You're great...they were great questions.

Any other comments from the crowd tonight? Great! Have at it.

Kenneth Schuble: Good evening Council. This is my first time here.

Unidentified Speaker: *(Off Mic) (Inaudible)* .

Kenneth Schuble: I...I'm sorry.

President Adams: First time caller?

Kenneth Schuble: First time caller. Kenneth Schuble, 2930 Gardenia Drive here in Evansville.

I'm actually with the...Steve, the gentleman who was just up here. Instead of him asking all the questions I volunteered to ask some with him, so with your permission I might break the five-minute barrier, which I didn't even know we had up here until somebody mentioned it.

President Adams: I don't...that's usually my thing because I'm trying to get everybody to have a chance to talk so throw your questions out and we'll go at.

Kenneth Schuble: Okay, first one: In review of the State Board of Accounts latest report, the City is owed 300...or 3.6 million dollars from the Evansville Redevelopment Authority. Why would the Administration take, at the 11th hour, a 2.5 million from the Utility knowing that the Utility will be coming before this body, asking for a rate increase? Why didn't the Administration just call upon the ERA for the 3.6 million?

Councilman O'Daniel: Okay, I think Ted, you probably know the answer to this one. I think there's a difference of opinion between you...the City and the SBOA as to whether or not the ERA owes the City the money. I think there was a memo that was circulated by Corporate Council, is there not.

City Attorney Ziemer: Well, I think that's correct, and then, of course, the 2.5 million in PILOT payments that he refers to has nothing to do with what the rates are going to be. That money was budgeted to be paid and it would be paid in any event so whether it was paid at the end of 2014 or during 2015, the rates would be the same so at this point, I don't know any further answer to the issues that he has raised.

Councilman O'Daniel: And to be fair, the...that money that the SBOA...that the audit report cites that's owed back to the City as part of the Ford Center construction, that has been in the last three audits, I believe, if not more and it's something that is a continual...is a continual back and forth between the City and the SBOA, correct?

City Attorney Ziemer: Yeah, I think it's actually been there longer than that.

Councilman O'Daniel: Perhaps longer than that.

City Attorney Ziemer: You know it's been there since...since prior to this Administration and during...

Councilman O'Daniel: I said at la...at least last three; that's all I know of.

Councilwoman Brinkerhoff-Riley: '11 couldn't be audited and so the...

City Attorney Ziemer: Beg your pardon?

Councilwoman Brinkerhoff-Riley: 2011 couldn't be audited and the Ford Center was finished in '11 so it appears in the 2012 and the 2013 audit; really isolated to your Administration.

City Attorney Ziemer: Russ?

Councilman Friend: Yeah, if I may Stephanie, if I may ask, the ERA is not subject to audit because it's considered to be a subcategory. Now if we were doing the new standards, it would be subject to audit but...so the State Board of Accounts didn't have the authority to audit the ERA.

Councilwoman Brinkerhoff-Riley: They didn't audit the ERA. They audited the payments that were made to the ERA.

Councilman Friend: That has been audited.

City Controller Lloyd: Okay, let me try to sort through some of this. The, at the request of Council, the City had the State Board come in and do an examination of the arena construction in 2012. The Evansville Redevelopment Authority actually has not been audited but we went to the State Board and requested to allow that to be audited. We're actually having 2013 audited right now.

The three million regarding the...that was a dispute. We had the bond attorney in Indianapolis, Barnes & Thornburg, gave us a letter that was related to capitalized interest that the City paid on the arena bonds. The State Board said that should have been reclassified; the City disagreed and that's what the bond attorney...agreed with the City. We took a resolution to the Evansville Redevelopment Authority to forgive that and we're waiting to see if the State Board will agree with the steps we took on that.

But that was really...it could be called money that was owed to the City but the City will just turn around and make those bond payments anyway so it was really kind of a wash.

President Adams: Pass-through?

City Controller Lloyd: Yes.

Councilman O'Daniel: Yeah.

Councilwoman Brinkerhoff-Riley: In your de...I mean I think you actually maybe right on this issue that, I don't know, I don't necessarily say that all the time but...

City Controller Lloyd: Thank you.

Councilwoman Brinkerhoff-Riley: ...you...

City Controller Lloyd: Please note.

Councilwoman Brinkerhoff-Riley: You guys actually made the...used that money and paid on the...the ERA, passed a resolution...

Speaking Simultaneously

City Controller Lloyd: That was paid...right, that was the ERA lease payment where it was...the City made the lease payment to ERA who turns around and makes the bond payment.

Councilwoman Brinkerhoff-Riley: Yeah, I mean where you...

City Controller Lloyd: It was just a different classification.

Councilwoman Brinkerhoff-Riley: Right. Where you could potentially be dinged is that it relieved money because that money was used on the lease payment; it freed up revenue that didn't do anything special in the sense that it doesn't show up in our Rainy Day Fund or anything like that. It was spent.

City Controller Lloyd: We actually took the financial statements from the Redevelopment Authority and put 'em in a form so that they could be audited. They really weren't before so we're making progress in that regard.

President Adams: Next question, sir.

Kenneth Schuble: *(Off Mic) (Inaudible)*

(On Mic) Next question; thank you. In review of the audit report of the Ford Center it appears that VenuWorks was overpaid. Was that overpayment ever received back from VenuWorks and why hasn't the public received a financial report from VenuWorks in front of this Council? It's been well over two years.

Unidentified Speaker: I guess that's it for us.

Councilman O'Daniel: Didn't Scott come in '13? I don't know that he came last year.

President Adams: Some of these questions are not the pervue of this Council so we're asking the expert.

City Controller Lloyd: Right. The VenuWorks...the prior Administration, there was a borrowing from VenuWorks towards the start-up cost related to getting the arena set up, I believe it \$750,000, so that money that was claimed to be owed to the City from VenuWorks was credited against that balance so the City didn't receive any funds.

Councilman Friend: Was this the report that we got through that, I think, Karla Geisler worked on, wasn't it?

City Controller Lloyd: Yes. That's what these questions are related to.

Councilman Friend: It was related to that? She, I think in the report, she indicated there was double payments or whatever. I think I recall this.

City Controller Lloyd: Right and with the City, we ended up having to use City Attorneys to go back and collect all that. All the...

Councilman Friend: We have received it? We have received it back from 'em?

City Controller Lloyd: The Kansas City Steel?

Councilman Friend: No, no. I understand that but I'm talking about...

City Controller Lloyd: Oh the VenueWorks? No, it was credited against money the City owed VenuWorks on the start-up costs of getting the area up and going.

Councilman O'Daniel: *(Off Mic)* Anything prior to October of '11 *(Inaudible)*.

City Controller Lloyd: Yes and I know the exceptions that the State Board noted in that report, we went through and corrected each one of those.

President Adams: Next question, sir.

Kenneth Schuble: As reported, this Administration intends to borrow an additional 15 million for bike paths at North Main. What benefit does this give to those residents within the interior of the Jacobsville TIF and hasn't this City borrowed enough money?

President Adams: Actually, I don't think it's 15 million. I think it's 3.2 all told except the bond cost.

Speaking Simultaneously

Councilwoman Brinkerhoff-Riley: No, it's 13.

Councilman O'Daniel: *(Off Mic)* 13.

Councilwoman Brinkerhoff-Riley: 13 million.

President Adams: That money...there is a sizable amount of money in the Jacobsville TIF or the North Main TIF, however you want to do it. It can only be spent in that area.

Councilman O'Daniel: And that debate's coming, I'm sure. It's not before us yet.

Kenneth Schuble: Okay. Okay, I have one more quick question, one that's really on my heart. I won't read the whole question but it has to do with our police department. Some issues have arisen here, depending on if you believe the reports or not. What I'm concerned and what I don't want, as a citizen of Evansville, is to something happen like it has happened in St. Louis or right now in Baltimore by either misunderstanding from the citizens, injustice done, if that was the case in Baltimore or St. Louis, or whatever the reason is, I'm asking the City Council what...what has been done, or what could be done, to make sure that something doesn't escalate as things recently have happened. There's a federal court case right now. I just have a concern that things just, you know, as a citizen of Evansville, I don't want nothing blowing up here like in Baltimore or St. Louis.

Councilman O'Daniel: I can take a crack at it. I mean, obviously, I'm a criminal defense lawyer and so I hear a lot of things anecdotally. I think our police department does a pretty good job. They really do.

Kenneth Schuble: And I agree. I'm not bashing our...I want everybody to know, I'm not bashing our police department. I'm just...as a concern...I don't want nothing escalating.

Councilman O'Daniel: They really do a pretty good job and they go through a lot of training. There's a lot of training even after they become law enforcement officers. They're sent out to...I think Connie, I think you got them to have more diversity training.

Councilwoman Robinson: I don't consider that diversity training when you interact with a computer instead a facilitator.

Councilman O'Daniel: That may be one thing that we could help for, you know, forward a little bit more is maybe some one-on-one or have a live person as opposed to

a computer but, you know, I suppose you have to have a start somewhere. But I mean I think that's...I'm not sure how much we can do from a Council standpoint other than trust that they're going to do their job as professionals. You know there's always...there's always a rotten apple, you know, and if we can identify that person early enough to eliminate that problem then that's a good thing but oftentimes we don't see that until something bad has already happened.

President Adams: I do think the fact that they're all wearing body cameras really helps document both. The policemen are much more aware of what's going on and the fact it's being documented. I think that's a natural progression for people try to curb themselves. Now I will tell you that I believe, I know this to be true, their training is very, very rigid as to what they do and when they pull their gun out of their holster. This last week, one policeman had to pull his pistol out of his holster because a guy had a very large machete. He was only 10 feet away from him, or even eight feet away from him. You can go about...it takes about one...

Kenneth Schuble: I'd pull my gun too.

President Adams:...it would a, yeah, well it would take about what? Two seconds for that man to cover that distance and the policeman in question didn't...had to...the policy says that they need to do that and I think it's a good policy.

As one of the other policeman commented to me, they do not know who's been taking their meds and who isn't taking their meds and what their medical history is. All they know is they're being confronted with somebody that's acting very erratic and has a deadly weapon so I hope and pray that we don't have a situation here but it is difficult, very difficult.

Kenneth Schuble: Right, that's just why I was asking the question.

Speaking Simultaneously

President Adams: Yeah, *(Inaudible)* wanted to make the comment.

Councilwoman Mosby: I was going to make a comment also about the body cameras. I think it's wonderful that we now have the body cameras for the Police Department, and in fact, with everything that's been going on, you know, around the United States there have been several departments that have been contacting Chief Bolin, regarding, you know, the use and how effective those have been so, you know, we actually were ahead of the curve on that and, you know, we've done a lot of great things in the Police Department, a lot of great training, and we're ahead of a lot of the different equipment than other departments have.

Councilwoman Robinson: I guess I have a question I think that would be to Mr. Ziemer. How many cases is the City currently handling where people are suing for a violation of civil rights?

City Attorney Ziemer: *(Off Mic)* I don't know the answer to that off the top of my head. *(On Mic)* There are some cases but I don't know the answer. I can find that out for you, Ms. Robinson.

Councilwoman Robinson: Yes, and also...I guess the cost of pursuing these cases because I noticed over the week...I noticed a case this man filed. Someone called me and said I guess they had filed a case against the Evansville Police Department, a violation of their civil rights; a Hispanic man.

City Attorney Ziemer: And?

Councilwoman Robinson: I don't think it's my business. You probably have a copy of the case too. It's not my business to air on the television or in public but he had filed a case because he thought his civil rights had been violated.

City Attorney Ziemer: Yeah, people do file those cases from time to time and we review that and determine whether it's something the City...and if it's defensible, we'll defend it and not everybody that asserts a civil right violation has one.

Councilwoman Robinson: *(Off Mic)* Yeah, I understand that.

Councilwoman Brinkerhoff-Riley: Ted, do you have the ruling back from the Seventh Circuit on Milan versus the City of Evansville?

City Attorney Ziemer: I don't know whether we do or not. You understand that I don't handle the litigation in our firm but I can find answers to any of these questions.

Councilwoman Brinkerhoff-Riley: Yeah, and I can email you. I'm curious about that one and what we've spent so far.

City Attorney Ziemer: Yeah.

Councilwoman Brinkerhoff-Riley: And I just would say sir, I don't think anybody up here can answer your questions adequately related to the EPD. If you care to come back May 11, I'm sure we can facilitate Mr. Bolin being here, Chief Bolin, or I'm sure there are a number of people that could facilitate a meeting between you and our police chief.

City Attorney Ziemer: Certainly, and I'll bring one of the litigators from our office and a...

Councilwoman Robinson: Okay, and I guess...and I want to clarify because I don't know this gentleman and I didn't ask him any questions but I know it'll probably be in the Courier that I lashed out and that I wanted to say something about civil rights or anything so please tell Mr. Ethridge that I don't know this gentleman so that he can't harass me in the Sunday editorial.

President Adams: Well you can tell him he can harass me in the Sunday editorial because he does it all the time.

Councilwoman Robinson: Well I'm always portrayed as an angry woman and I'm not. I'm a very happy woman.

President Adams: Okay, any other questions?

Kenneth Schuble: No, that's it. Thank you, thank you.

President Adams: Okay.

Kenneth Schuble: Thank you, Administration.

President Adams: Thank you for coming, really. Any other...any comments? Anything else from the group here tonight?

Alright, Committee Reports. A.S.D. Committee

COMMITTEE MEETING SCHEDULE FOR MAY 11, 2015

A.S.D. COMMITTEE

Re: **Ordinance G-2015-15**

Time: 5:00 p.m.

Notify: Scott Danks

CHAIRMAN STEPHANIE BRINKERHOFF-RILEY

Amending the Police Department Merit System in Section 2.175.100 of the Evansville Municipal Code

Re: **Ordinance G-2015-16**

Time: 5:05 p.m.

Notify: Scott Danks

Amending the Fire Department Merit System in Section 2.170.070 of the Evansville Municipal Code

FINANCE COMMITTEE

Re: **Ordinance G-2015-14**

Time: 5:10 p.m.

Notify: Scott Danks

CHAIRMAN CONOR O'DANIEL

Authorizing and Segregating Certain Accounts of the City of Evansville, Indiana

FINANCE COMMITTEE *Continued*

Re: **Ordinance F-2015-5**

Time: 5:15 p.m.

Notify: Russ Lloyd

Authorizing Transfers of Appropriations, Additional Appropriations and Repeal Re-Appropriation of Funds for Various City Funds

Re: **Ordinance F-2015-6
Amended**

Time: 5:20 p.m.

Notify: Kelley Coures

Authorizing Repeals, Re-Appropriations and Additional Appropriations of Funds within Various Departments (DMD)

Re: **Resolution C-2015-8**

Time: 5:20 p.m.

Notify: Kelley Coures

Approving and Authorizing Certain Actions
and Proceedings with Respect to Certain
Proposed Economic Development Bonds

Re: **Ordinance G-2015-6**

Time: 5:25 p.m.

Notify: Ted Ziemer

Amending Chapter 2.10 (Required Filing of
Fiscal Impact State) of the Evansville Municipal
Code

Finance Chair O'Daniel: One thing about that (Ordinance G-2015-6), I think we were going to do some tests to see how that might work and I don't think we've seen anything yet on that. I don't know if we're going to have anything by the 11th or not but if we do, please get it to us. If not, I would anticipate that probably being held again so we see, you know, how that plays out.

City Controller Lloyd: *(Off Mic)* We'll have some in the next day or two.

President Adams: Terrific.

Councilman O'Daniel: Thank you.

Councilwoman Brinkerhoff-Riley: You can use the Chicken Ordinance.

PUBLIC WORKS COMMITTEE

CHAIRMAN AL LINDSEY

No meetings scheduled at this time.

President Adams: Okay, well thank you all for coming tonight; very stimulating discussion.

ADJOURNMENT

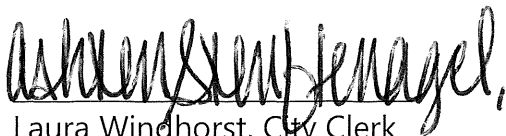
President Adams: Is there a motion to adjourn?

Councilman O'Daniel: So moved.

Councilman Friend: Second.

Bang of Gavel

Meeting adjourned at 7:05 p.m.


Laura Windhorst, City Clerk
DEPUTY


H. Dan Adams, President